

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GERALD HESTER, *etc.*, *et al.*,

2:09-cv-117-RLH-RJJ

JUDGE ROGER L. HUNT
ORDER REGARDING TRIAL

vs.

VISION AIRLINES, INC.,

Defendant(s)

1. Attached hereto is a list of the civil and criminal cases that are presently scheduled for the stacked trial calendar before the **Honorable Roger L. Hunt, Chief United States District Judge, at Las Vegas, Nevada**, commencing on **MONDAY, OCTOBER 4, 2010 at 8:30 a.m.** in Courtroom Number #6C.

2. Counsel for all parties in civil and criminal cases, and all pro se parties, shall appear in Courtroom Number #6C on **WEDNESDAY, SEPTEMBER 29, 2010 at 8:45 a.m.** for Calendar Call. Unless a party in a civil case or a defendant in a criminal case is appearing pro se, the individual parties in civil cases and defendants in criminal cases will not be required to appear for Calendar Call unless the Court directs otherwise.

3. Counsel or their clients will be excused from Calendar Call if settlement papers have been filed in a civil case or a defendant's plea of guilty or nolo contendere has been received in a criminal case prior to the date scheduled for Calendar Call.

4. **At Calendar Call**, all cases that remain to be tried will be ranked in order of trial.

1 The Court may also schedule a final Pretrial Conference to address outstanding issues including
2 any Motions *In Limine* that have not been previously ruled upon. Thereafter, the Court will not
3 grant a continuance to any party absent a showing of good cause. Unless the Court otherwise directs,
4 the cases will be tried one after the other on **TWENTY-FOUR (24) HOURS'** notice from the
5 Courtroom Administrator.

6 5. **CHANGE OF PLEA HEARINGS IN CRIMINAL CASES.** Hearings for the purpose
7 of **change of plea** in criminal cases will be set for **CALENDAR CALL** unless otherwise set. It
8 shall be the joint responsibility of counsel for Plaintiff United States and for the Defendant to ensure
9 that the original plea agreement is delivered to Courtroom Administrator, and a copy faxed to
10 chambers at 464-5531 by 4:00 p.m. on the day prior to when the plea of guilty or nolo contendere
11 is to be taken. It shall further be the responsibility of counsel for Plaintiff United States to ensure
12 that any necessary Produce Orders or Writs of Habeas Corpus Ad Prosequendum are timely
13 delivered to the United States Marshal to ensure the presence of all in-custody defendants for change
14 of plea, and to ensure proper notification for the attendance of any court interpreter which may be
15 required for the particular case.

16 6. **WITNESSES.** Counsel and any parties appearing pro se, shall immediately subpoena
17 all witnesses for the time and trial date as listed above. Inasmuch as some cases will be tried in a
18 trailing fashion, the subpoenas should contain a special instruction from counsel directing witnesses
19 to contact the **office of counsel** for further instructions prior to appearing for trial. Witnesses are not
20 required to be present at the Calendar Call.

21 7. **USE OF EVIDENCE DISPLAY EQUIPMENT.** Counsel wishing to utilize the court's
22 evidence display equipment must contact the Courtroom Administrator ***prior to Calendar Call*** to
23 determine its availability and to arrange for training, if needed.

24 8. **EXHIBITS.** **At Calendar Call**, any party appearing pro se shall file with the Courtroom
25 Administrator in every civil and criminal case, ***a complete exhibit list of all exhibits that are intended***
26 ***to be used during the trial.*** **No later than Noon (12:00 p.m.) on the day of Calendar Call** ***counsel***
27 ***shall electronically file their complete exhibit list.*** ***Numerals*** shall be used to identify all exhibits.
28 Plaintiff's exhibits shall be marked 1 through 500. Defendant's exhibits shall be marked 501 through

1 1000. The exhibits list format shall conform to the requirements of the form provided by the
 2 Courtroom Administrator or obtained from the Court's website www.nvd.uscourts.gov.

3 **Each exhibit shall be pre-marked with an exhibit sticker.** In any case which involves fifteen
 4 or more document exhibits, the pre-marked exhibits shall be placed in a loose-leaf binder behind a tab
 5 noting the number of each exhibit and each exhibit shall be pre-marked with an exhibit sticker. The
 6 binder shall be clearly marked on the front and side with the case caption and number and the sequence
 7 of exhibits. If oversized binders are used, the holes in the documents shall be large-sized so that the
 8 pages may be easily turned. At the commencement of trial, counsel shall provide the Courtroom
 9 Administrator with the binder containing the exhibits and a courtesy set for the trial judge. *If it is*
 10 *necessary to use more than three binders, the party shall contact the Courtroom Administrator prior*
 11 **to Calendar Call for additional directives.**

12 9. **PROPOSED JURY VOIR DIRE QUESTIONS.** At **Calendar Call**, any party appearing pro se
 13 shall file with the Courtroom Administrator an original and one copy of any proposed jury voir dire questions
 14 which they request the Court to pose to prospective jurors at the time of jury selection. **No later than Noon**
 15 **(12:00 p.m.) on the day of Calendar Call** counsel shall electronically file their proposed jury voir dire
 16 questions.

17 10. **WITNESS LISTS.** At **Calendar Call**, any party appearing pro se shall file with the
 18 Courtroom Administrator a list of witnesses expected to be called. **No later than Noon (12:00**
 19 **p.m.) on the day of Calendar Call** counsel shall electronically file a list of witnesses expected to
 20 be called for use by the Court during jury selection.

21 11. **STATEMENT OF THE CASE.** At **Calendar Call**, any party appearing pro se in a
 22 civil case shall file with the Courtroom Administrator a brief statement of the case, no longer than
 23 one-half page, stating the nature of the claims and offenses, to be read to prospective jurors at the
 24 time of jury selection. **No later than Noon (12:00 p.m.) on the day of Calendar Call** counsel shall
 25 electronically file their brief statement of the case. In a criminal case, a copy of the Indictment,
 26 indicating which portions should be read to the jury, should be submitted to the Courtroom
 27 Administrator **at Calendar Call.**

28 12. **JURY INSTRUCTIONS IN CRIMINAL CASES.** Counsel are to comply with the

1 “Order Regarding Pretrial Procedure.” **No later than Noon (12:00 p.m.) on the day of Calendar**
 2 **Call, counsel are required to electronically file proposed jury instructions and email a copy**
 3 **in WordPerfect format to chambers at RLH_Chambers@nvd.uscourts.gov.** The parties are
 4 further advised that the undersigned district judge has developed his own “stock” or “general” jury
 5 instructions drawn principally from the **Manual of Model Criminal Jury Instructions for the**
 6 **Ninth Circuit.** Proposed Instructions submitted by counsel need not include the Court’s “stock”
 7 jury instructions.

8 13. **GOVERNMENT’S TRIAL MEMORANDUM.** In all criminal cases, Plaintiff United
 9 States shall submit its original **Government’s Trial Memorandum** under seal **at Calendar Call**
 10 and shall also provide a reading copy for the court. The Government’s Trial Memorandum shall be
 11 served on counsel for Defendant on the date trial commences and will be unsealed and filed by the
 12 Court at that time.

13 14. **JURY INSTRUCTIONS IN CIVIL CASES.** In all civil cases to be tried before a jury,
 14 counsel are required to file proposed jury instructions **no later than noon (12:00 p.m.) on the day**
 15 **of Calendar Call.** Any party appearing pro se shall file their proposed jury instructions with the
 16 Courtroom Administrator **at calendar call.** Counsel are required to *electronically file a joint* set of
 17 agreed-upon jury instructions and form of verdict **no later than noon (12:00 p.m.) on the second**
 18 **day of trial.** To meet this requirement, the parties are required to serve their proposed jury
 19 instructions upon each other at least two weeks prior to trial, and thereafter confer to arrive at a single
 20 set of jointly agreed upon jury instructions. To the extent the parties are unable to agree as to the
 21 form of any particular instruction(s), each party shall also file the jury instruction(s) which are not
 22 agreed upon together with the respective arguments and authorities of the parties in support thereof.

23 The parties are further advised that the undersigned district judge has developed his own
 24 “stock” or “general” jury instructions drawn principally from the **Manual of Model Civil Jury**
 25 **Instructions for the Ninth Circuit.** Proposed instructions submitted by counsel need not include
 26 the Court’s “stock” instructions. Therefore, the efforts of the parties in preparing the jury
 27 instructions in compliance with this Order should be focused on developing special jury
 28 instructions which relate to the particular claims and defenses at issue as well as those relating to

1 damages and any special evidentiary matters pertinent to the case. All proposed jury instructions
 2 submitted by the parties should be concise, understandable, and neutral statements of law.
 3 Argumentative jury instructions are improper, will not be given, and should not be submitted.
 4 **Additionally, counsel shall email a copy of all proposed jury instructions in WordPerfect**
 5 **format to chambers at RLH_Chambers@nvd.uscourts.gov.**

6 15. **TRIAL BRIEFS, PROPOSED FINDINGS OF FACT AND CONCLUSIONS**

7 **OF LAW.** To the extent they have not already done so in accordance with the Court's Joint
 8 Pretrial Order, any party appearing pro se shall file an original and two copies of a trial brief in all
 9 civil cases **at Calendar Call. No later than noon (12:00 p.m.) on the day of Calendar call,**
 10 *counsel shall electronically file* their trial brief. Additionally, in all civil cases to be tried before the
 11 court sitting without a jury, the parties shall electronically file proposed Findings of Fact and
 12 Conclusions of Law **no later than noon (12:00 p.m.) on the day of Calendar Call.**

13 16. **EXPEDITED OR DAILY TRANSCRIPTS.** Any party that will require expedited or
 14 daily transcripts shall *notify the Court Reporter, Heather Newman, at 702-464-5828 immediately*
 15 *upon receipt of this order.* Failure to timely notify the Reporter may result in the refusal to
 16 provide expedited or daily transcripts.

17 17. **SANCTIONS.** As provided for under the Local Rules of Practice of this Court, the Court
 18 will consider the imposition of sanctions against any attorney or party appearing pro se who: (1) fails
 19 to timely file trial briefs, suggested voir dire questions and proposed jury instructions or proposed
 20 findings of fact and conclusions of law, whichever is applicable, as prescribed by the Pretrial Order,
 21 Order Regarding Pretrial Procedure, Scheduling Order or any order extending the time for such
 22 filings; (2) fails to comply with the provisions of this order including, but not limited to, the failure
 23 to appear for Calendar Call without first having been excused by the Court or the clerk with the
 24 permission of the Court; or (3) fails to timely comply with any other order that schedules deadlines
 25 for trial preparation.

26 18. **TRIAL JUDGE.** Although the cases listed on the attached trial calendar are assigned
 27 to the undersigned, the cases may proceed to trial before another Nevada district judge or a visiting
 28 district judge.

19. **CONSENT TO TRIAL BEFORE A MAGISTRATE JUDGE.** All parties in civil actions are reminded of their right, subject to the approval of the undersigned, to consent to trial before a United States Magistrate Judge pursuant to Title 28, United States Code, Section 636(c)(2). The right to proceed before a magistrate judge in a civil case includes those cases which will be tried before a jury as well as those cases to be tried before the Court sitting without a jury. Any appeal from a judgment resulting in a trial before a magistrate judge shall be taken directly to the United States Court of Appeals.

19. **CONTACT PERSON.** All questions and information regarding the trial calendar are to be directed to KANDY CAPOZZI, Courtroom Administrator, at 702- 464-5432.

10 20. **THE DATE** of the Clerk's file mark shall constitute the date of this Order.

IT IS SO ORDERED.

/S/
ROGER L. HUNT, U.S. District Judge

TRIAL CALENDAR OF THE HONORABLE ROGER L. HUNT, CHIEF UNITED STATES DISTRICT JUDGE,
AT LAS VEGAS, NEVADA, COMMENCING ON **MONDAY, OCTOBER 4, 2010 AT 8:30 A.M.**, WITH
CALENDAR CALL SET FOR **WEDNESDAY, SEPTEMBER 29, 2010 AT 8:45 A.M.**, Courtroom 6C.

1. 2:07-cr-51-RLH-PAL UNITED STATES OF AMERICA
vs.
CONNIE S. FARRIS PR BOND

PR BOND

18 USC §§ 1541 & 2

For Plaintiff:
Brian Pugh, AUSA
388-6336

For Defendant:
Shari Kaufman, AYPD
388-6557

Scheduled to Commence on 10/12/2010

2. 2:09-cr-57-RLH-GWF UNITED STATES OF AMERICA
vs.
WILLIE ALLEN DILLARD

CUSTODY

For Plaintiff:
Roger Yang, AUSA
388-6336

For Defendant:
Richard Boulware, AFPD
388-6577

CUSTODY

For Plaintiff:
Bradley Giles, AUSA
388-6336

For Defendant:
James Hartsell, Appointed
384-3132

